

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1913

IN THE MATTER OF:

Served November 6, 1978

Application of HIGHVIEW BUS SERVICE,)   
 INC., to Transfer Certificate No. 42)   
 to COURTESY BUS RENTAL SYSTEM, INC.,)   
 and for Approval of Temporary )   
 Control )

Case No. AP-78-47

By application filed November 1, 1978, Highview Bus Service, Inc. (Highview), seeks approval pursuant to Title II, Article XII, Section 12(b) of the Compact to transfer by sale its Certificate of Public Convenience and Necessity No. 42, issued May 6, 1977, to Courtesy Bus Rental System, Inc. (Courtesy), of Hyattsville, Md. In support of the application, the parties have submitted an executed bilateral contract of sale, statements of transferee's financial condition, a copy of transferee's articles of incorporation and a list of current officers and directors. As mandated by the Compact, Title II, Article XII, Section 12(b) a public hearing will be scheduled, and pursuant to the provisions of Title II, Article XII, Section 19 of the Compact, Courtesy will be assessed an amount preliminarily estimated to cover the expense of said hearings.

The Compact, Title II, Article XII, Section 12(d) authorizes the Commission to grant temporary approval in its discretion and without hearings or other proceedings, for a period not exceeding 180 days, if it shall appear that failure to grant such approval may result in destruction of or injury to the property sought to be acquired or interfere substantially with its future usefulness in the performance of adequate and continuous service to the public. As stated in Order No. 1908, served October 20, 1978, and incorporated herein by reference, Highview sought suspension of its operations asserting that "... its president, the only person 'qualified' to operate the company, is severely ill and that the company is encountering financial problems caused by an increase in its insurance premiums. . . ." Highview is under a temporary restraining order issued on October 30, 1978, by the United States District Court for the District of Columbia, Civil Action No. 78-2057, enjoining it from ceasing operations and abandoning service. It appears that Highview would have difficulty in continuing to

render adequate service to the public whereas Courtesy, presently operating in the local area pursuant to authority from the Interstate Commerce Commission, is prepared to assume existing service. Accordingly, the Commission concludes that the statutory prerequisites have been met, and the temporary approval shall be granted.

THEREFORE, IT IS ORDERED:

1. That the Application of Highview Bus Service, Inc., in Case No. AP-78-47 to transfer Certificate No. 42 be, and it is hereby, scheduled for public hearing to commence Wednesday, December 6, 1978, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Courtesy Bus Rental System, Inc., be, and it is hereby, designated co-applicant and made a party to this proceeding.

3. That Courtesy Bus Rental System, Inc., post notice of this application and hearing in the form prescribed by the staff of the Commission in each of the vehicles operated over the affected routes pursuant to the temporary approval granted herein no later than Tuesday, November 21, 1978, the notice to remain continuously and conspicuously posted through the date of the hearing.

4. That Courtesy Bus Rental System, Inc., publish once in a newspaper of general circulation within the Metropolitan District, notice of said application and hearing in the form prescribed by the staff of the Commission no later than Tuesday, November 21, 1978.

5. That Courtesy Bus Rental System, Inc., produce at the hearing affidavits of said publication and posting.

6. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard in this matter shall so notify the Commission, in writing, no later than Monday, November 27, 1978, and shall mail a copy of said protest or notice to counsel for applicant, Lawrence E. Lindeman, Esquire, Woods, Villalon, Hollengreen & Lindeman, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street, N. W., Washington, D. C. 20004.

7. That Courtesy Bus Rental System, Inc., be, and it is hereby assessed \$250 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission no later than 12 noon, Wednesday, November 29, 1978.

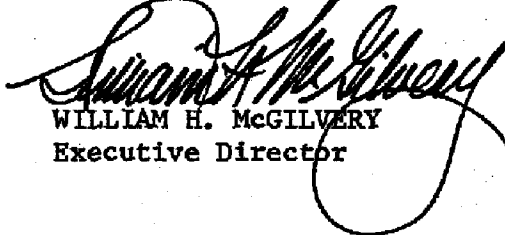
8. That Courtesy Bus Rental System, Inc., file with the Commission a statement of projected revenue and revenue deductions for a one-year period, no later than 12 noon, Wednesday, November 29, 1978, and serve a copy thereof on all parties of record as of November 27, 1978.

9. That Courtesy Bus Rental System, Inc., produce at the hearing a list of its equipment, evidence of its safety and maintenance programs, and such other information necessary and relevant to a determination of its operational and financial fitness.

10. That Courtesy Bus Rental Service, Inc., be, and it is hereby granted temporary approval to operate Certificate of Public Convenience and Necessity No. 42 of Highview Bus Service, Inc., subject to the terms, conditions and restrictions of said certificate, said temporary approval to be effective upon acceptance by the Executive Director of an appropriate certificate of insurance, its WMATC Temporary Approval Tariff No. 1 and an affidavit of compliance with Commission Regulation 68, and to continue in effect until May 4, 1979, unless otherwise ordered by the Commission.

11. That Courtesy Bus Rental Service, Inc., is hereby directed to comply with the filing requirements of the next preceding paragraph no later than Monday November 13, 1978.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director